

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

NETLIST, INC.,	)	
	)	
Plaintiff,	)	
	)	Case No. 2:22-cv-293-JRG
vs.	)	
	)	JURY TRIAL DEMANDED
SAMSUNG ELECTRONICS CO., LTD;	)	(Lead Case)
SAMSUNG ELECTRONICS AMERICA,	)	
INC.; SAMSUNG SEMICONDUCTOR	)	
INC.,	)	
	)	
Defendants.	)	

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NETLIST, INC.,	)	
	)	
Plaintiff,	)	
	)	Case No. 2:22-cv-294-JRG
vs.	)	
	)	JURY TRIAL DEMANDED
MICRON TECHNOLOGY, INC.;	)	
MICRON SEMICONDUCTOR	)	
PRODUCTS, INC.; MICRON	)	
TECHNOLOGY TEXAS LLC,	)	
	)	
Defendants.	)	

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**DECLARATION OF STEPHEN M. PAYNE IN SUPPORT OF PLAINTIFF  
NETLIST, INC.'S MOTION FOR SUMMARY JUDGMENT ON SAMSUNG'S  
AFFIRMATIVE DEFENSE OF CLAIM PRECLUSION**

**I, Stephen M. Payne, declare as follows:**

1. I am an attorney at the law firm of Irell & Manella LLP, counsel of record for Plaintiff Netlist, Inc. (“Netlist”) in the above-captioned action. I am a member in good standing of the State Bar of California and have been admitted to practice *pro hac vice* before this Court in this action. I provide this declaration in support of Netlist, Inc.’s Motion for Summary Judgment on Samsung’s Affirmative Defense of Claim Preclusion. I have personal knowledge of the facts stated herein, and could and would testify completely thereto if called as a witness in this matter.

2. Attached as **Exhibit 1** is a true and correct copy of Netlist, Inc.’s Notice of Narrowing Claims for Purposes of Trial, docket number 431 in *Netlist, Inc. v. Samsung et al.*, No. 2:21-cv-463-JRG, filed April 4, 2023.

3. Attached as **Exhibit 2** is a true and correct copy of the Final Judgment, docket number 551 in *Netlist, Inc. v. Samsung et al.*, No. 2:21-cv-463-JRG, filed August 11, 2023.

4. Attached as **Exhibit 3** is a true and correct copy of the publicly filed Jury Verdict, docket number 479 in *Netlist, Inc. v. Samsung et al.*, No. 2:21-cv-463-JRG, filed April 21, 2023.

5. Attached as **Exhibit 4** is a true and correct excerpted copy of Samsung’s Supplemental Objections and Responses to Plaintiff Netlist, Inc.’s Amended First Set of Interrogatories (Nos. 1-20), dated November 20, 2023.

6. Attached as **Exhibit 5** is a true and correct excerpted copy of Attachment C to the Opening Expert Report of Joseph C. McAlexander III Relating to U.S. Patent No. 10,268,608, dated November 20, 2023.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 16, 2024, in Newport Beach, California.

By /s/ Stephen M. Payne

Stephen M. Payne